UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/13
6 January 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 6 JANUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the position of the Republic of Zaire on the non-implementation of Security Council resolution 1080 (1996) of 15 November 1996, establishing the multinational force to be deployed in eastern Zaire.

I should be very grateful if you would authorize the issuance of this letter and its annex as a document of the Security Council.

(Signed) Lukabu Khabouji N'ZAJI
Minister Plenipotentiary
Deputy Permanent Representative

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Annex

Position of the Government of the Republic of Zaire on the non-implementation of Security Council resolution 1080 (1996) of 15 November 1996

1. The Security Council adopted resolution 1080 (1996) on 15 November 1996, calling for, inter alia, the deployment of a multinational force with a humanitarian mandate in order to create safe corridors to return the Rwandan refugees to their homes and provide them as well as the displaced persons and the local population affected by the war with the necessary humanitarian assistance.

2. Prior to the adoption of the resolution, the Government of the Republic of Zaire had insisted that the multinational force should be given not only a humanitarian mandate, but also a legal and political mandate in order to cover all aspects of the crisis, particularly:

(a) The aggression against Zaire and the violation of its territorial integrity;

(b) The violation of Zaire's internationally recognized borders by Rwanda, Burundi and Uganda.

3. The Government of the Republic of Zaire believed moreover that:

(a) The multinational force should not, under the cover of humanitarian considerations, deal with the aggressors or the administrations illegally established by them in North Kivu and South Kivu at the risk of condoning this violation of our country's territorial integrity;

(b) The headquarters of the multinational force should be based in Zaire and not in Uganda;

(c) The humanitarian assistance for the refugees should be sent through their countries of origin.

4. An administrative committee of the multinational force was set up without any clear legal basis in order to manage the political aspects in the field in eastern Zaire. It was made up of, inter alia, the countries that had contributed to the aggression against Zaire.

Nevertheless, the Security Council did not deem it necessary to take into account the concerns of the Government of the Republic of Zaire regarding the political mandate of the multinational force.

5. Although General Maurice Barril was appointed to command the multinational force and some countries agreed to send units in order to establish the force, the Government of the Republic of Zaire notes as of today that:

(a) The force has not been deployed, perhaps as a result of its refusal to have the multinational force's headquarters based in Kampala;

(b) Commander Maurice Barril established contact with the aggressors and their illegal administrations set up in Goma and Bukavu and this initiative was followed by non-governmental organizations and other humanitarian agencies;

(c) No safe corridor has been established in order to return the refugees to their homes;

(d) The policy for providing humanitarian assistance to the population affected by the war, which was organized in an irregular and confused manner, has not achieved its objectives;

(e) In order to discourage the deployment of the multinational force, Rwanda, disregarding all the relevant international conventions, attacked the Kibumba refugee camp in North Kivu in order to bring the refugees back to Rwanda and then declare that it was inappropriate to deploy the force since the refugees had returned to their homes under the spotlights of the international media mobilized for that purpose;

(f) On the basis of all these unfounded considerations as well as the reports by General Maurice Barril and the administrative committee of the multinational force, supported by some countries, including Canada, the deployment of the multinational force was halted even before the resolution began to be implemented.

6. The real situation in the field demonstrates that the problems that had led to the adoption of Security Council resolutions 1078 (1996) and 1080 (1996), namely, the problems of the displaced persons, the population affected by the war and the refugees, have continued in spite of the non-deployment of the multinational force and have not been solved.

7. Indeed, before the adoption of the aforementioned resolutions, the Office of the High Commissioner for Refugees estimated that the number of refugees in Zaire was 1,200,000, which, moreover, was disputed by the Zairian authorities. If one considers that 500,000 to 600,000 refugees returned to Rwanda, according to the various statements by the Rwandan Government, one must, therefore, conclude that between 600,000 and 700,000 refugees remain in Zaire, which is far lower than the estimates made by the Zairian authorities, who consider that the number of refugees exceeds 800,000.

8. On the basis of the foregoing, the Government of the Republic of Zaire considers that:

(a) The Security Council should reassess the situation in the field and take the necessary steps to deal with it in view of the fact that the current state of confusion is the result of the manner in which the United Nations set about implementing resolution 1080 (1996) and since the problems leading to its adoption remain unsolved;

(b) It is disconcerting to note that the decision to halt the deployment of the multinational force was taken through an exchange of letters within the framework of an informal meeting of the Security Council and that the formal meeting for the purpose of adopting the decision was never held;

(c) The non-implementation of resolution 1080 (1996) is conducive to the de facto establishment of new refugee camps, which the Zairian Government does not accept.

9. In any event, at the beginning of 1997, the priorities of the Zairian Government are to:

(a) Complete the democratization process, respecting the dates for holding elections;

(b) Carry out the war effort in order to eliminate the main obstacle to the organization of elections and recover all of the national territory in North Kivu and South Kivu.

10. The Government of the Republic of Zaire states moreover that:

(a) It will not initiate any direct or indirect negotiations with the aggressors, let alone their Zairian accomplices, as long as part of the national territory is occupied;

(b) Territorial integrity, the question of nationality and the inviolability of Zaire's internationally recognized borders are not negotiable;

(c) It could consider discussing security, the circulation of persons and goods, good neighbourliness and stability in the Great Lakes region only after the withdrawal of all foreign occupation forces.

(Signed) Gerard KAMANDA wa KAMANDA
Vice-Prime Minister
Minister for Foreign Affairs

Kinshasa, 4 January 1997